

REMARKS

Claims 1-2, 4-6, 8-16, and 18-27 are all the claims presently pending in the application. New claims 25-27 have been added to more completely define the invention. Claim 7 has been canceled. Applicant notes that based upon the Excess Claims Fee paid on March 31, 2003, no further fees are necessary.

It is noted that the claims have been amended solely to more particularly point out Applicant's invention for the Examiner, and not for distinguishing over the prior art, narrowing the claim in view of the prior art, or for statutory requirements directed to patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1, 4-7, 9-15, and 18-20 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Muhme (U.S. Patent No. 5,886,634) 1-4 and in view of Yeadon (U.S. Patent No. 6,393,339) (hereinafter "Yeadon") and further in view of Garber et al. (U.S. Patent No. 6,232,870).

Claims 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muhme and in view of Yeadon in view of Garber et al. and in view of Chambers (U.S. Patent No. 4,881,061) (hereinafter "Chambers").

Claims 2 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muhme and in view of Yeadon and in view of Garber et al. and further in view of Bacon (U.S. Patent No. 5,984,388) (hereinafter "Bacon").

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Muhme and in view of Yeadon and in view of Garber et al. and further in view of Nelson, Jr. (U.S. Patent No. 6,297,727) (hereinafter "Nelson").

Claims 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muhme and in view of Yeadon and further in view of Bowers et al. (U.S. Patent No. 5,883,582) (hereinafter "Bowers").

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as defined for example in a non-limiting embodiment of independent claim 1 (and substantially similarly by independent claims 15 and 21) is directed to a system (and method) for preventing theft of an object, which includes an electronic article surveillance (EAS) device operatively attached to an object, a security path, and a smart card for being read by the reader. The smart card contains an identification profile of an authorized user of the object.

A feature of the present invention is an alarm operatively coupled to the security gate, the alarm being activated upon the passage of the EAS device through the security path and subsequently deactivated by the computer when the smart card containing the identification profile of an authorized user is in the vicinity of the security path.

With such features, an authorized person exhibiting a smart card does not trigger the alarm or is allowed free passage with the tagged object. Further, fast reliable tracking of personnel carrying objects (e.g., such as personal computers) into/or of an area can be achieved.

The conventional systems, such as those discussed below and in the Related Art section of the present application, do not have such a structure, and fail to provide for such an operation (e.g., see page 6, lines 18-22 and page 7, lines 1-7 of the present application).

Such features are not taught or suggested by any of the cited references.

II. THE PRIOR ART REJECTIONS

A. The Muhme in view of Yeadon and Garber Rejection

The Examiner asserts:

[regarding claims 1, 15, and 21] Muhme teaches a system for preventing the theft of an object (figure 1).....an electronic article surveillance (EAS) device (22) operatively attached to an object (12), a security path for detection of the EAS device (col. 2 lines 50-53), a reader (18) operatively coupled to the

security path (col. 3 lines 26-27), an user (sic) identification card (col 3, lines 4-7).

However, Applicant respectfully disagrees and again submits that the present invention would not have been obvious from the Examiner's urged combination of references.

As noted previously, the Examiner is attempting to somehow combine at least three references to arrive at the unique and novel features of the claimed invention.

Further, regarding independent claims 1, 15, and 21, while the Examiner asserts that Muhme teaches "disabling the security gate without disabling the tag device (e.g., see page 2 of the Office Action), Muhme does not disclose or suggest that "*a computer*" disables the security gate. Instead, in Muhme "*Lock 32 is coupled to base station 18 and operates with exit 16 to prevent the unauthorized removal of item 12*" (e.g., see column 3, lines 28-31 of Muhme) (emphasis applicant's). Thus, in Muhme it is a base station 18 (e.g., which the Examiner asserts corresponds to the reader of the present invention) which disables a security gate if a person entering is authorized to remove an item 12 from the facility.

Further, as described in the specification of the present invention (e.g., see page 6, lines 18-22 and page 7, lines 1-7), in the invention an alarm is activated by the tag passing through the security gate 11. Then when a computer attached to the reader determines that a smart card contains an identification profile of an authorized user of the tagged object, the security gate is disabled and the authorized person is allowed to pass through.

In contrast, in Muhme the "[b]ase station 18 is coupled to alarm 30 which includes audible alarms, visual alarm, and/or other alarm devices for activation when base station 18 detects an unauthorized attempt to remove item 12 from the facility" (e.g., see column 3, lines 25-28 of Muhme). Thus, Muhme is much different from the invention because in Muhme an alarm is activated after an unauthorized attempt to remove an item is detected. This is contrary to the present invention in which the alarm is turned on when a user enters the gate.

Additionally, Muhme does not teach or suggest that a passage through the path by the EAS device triggers the path to activate the alarm, and that subsequently the alarm is turned off by the computer if the person entering the path is authorized. Instead, Muhme

discloses "[i]f base station 18 determines that person 14 is authorized to remove item 12 from the facility, base station 18 deactivates lock 32 to allow person 14 to pass through exit 16" (e.g., see column 4, lines 12-15 of Muhme). Thus, contrary to the Examiner's assertions, Muhme only discloses deactivating a lock 32, not an alarm.

Further, even if Muhme would have been combined with Yeadon and Garber (arguendo) at the time of the invention, there would still have been no teaching or suggestion of the claimed invention. Specifically, Yeadon and Garber are silent regarding an EAS device able to trigger a path to activate an alarm.

Additionally, Yeadon and Garber, even if combined with Muhme (arguendo), do not teach or suggest that the alarm is turned off by a computer if an authorized person enters a security path.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of "[a] system for preventing theft of an object, comprising:

an electronic article surveillance (EAS) device operatively attached to an object;
a security path for detection of said EAS device;
a reader operatively coupled to said security path;
a smart card for being read by said reader, said smart card containing an identification profile of an authorized user of said object;
a computer attached to said reader, said computer disabling a security gate if a person entering said security path is authorized to remove said object; and
an alarm operatively coupled to said security path,
wherein upon passage through said path, said EAS device triggers the path to activate said alarm and subsequently said alarm is turned off by said computer if said person entering is authorized' (emphasis Applicant's).

For the reasons stated above, independent claim 1 (and substantially similarly independent claim 15) of the claimed invention are fully patentable over Muhme.

Further, dependent claims 4-6, 9-14, and 18-20 when taken in combination with claims 1 and 15 define additional novel limitations.

Further, with regard to claims 11-14 rejected under 35 U.S.C. § 103(a) as being unpatentable over Muhme and in view of Yeadon in view of Garber et al. and in view of

Chambers, claims 2 and 16 rejected under 35 U.S.C. § 103(a) as being unpatentable over Muhme and in view of Yeadon and in view of Garber et al. and further in view of Bacon, and claim 8 rejected under 35 U.S.C. § 103(a) as being unpatentable over Muhme and in view of Yeadon and in view of Garber et al. and further in view of Nelson, Jr., these claims when combined with independent claims 1 and 15 define further novel and non-obvious limitations.

Therefore, these references either alone or in combination are much different from the present invention and fail to teach or suggest the claimed invention.

B. The Muhme in view of Yeadon and Bowers Rejection

As discussed above (e.g., with regards to independent claims 1 and 15), it would not have been obvious at the time of the invention to have combined Muhme and Yeadon.

Further, even if Muhme and Yeadon would have been combined at the time of the invention, there would be no teaching or suggestion of *“operatively coupling an alarm to said security path....upon passage through said path, said EAS device triggers the path to activate said alarm and subsequently said alarm is turned off by said computer if said person entering is authorized”*, as defined by independent claim 21.

The Examiner, in the rejection of independent claim 21, further relies upon Bowers. However, the combination of Muhme, Yeadon, and Bowers also would not have taught or suggested the claimed invention. For example, Bowers also does not teach or suggest an *“EAS device triggers the path to activate said alarm and subsequently said alarm is turned off by said computer if said person entering is authorized”*, as defined by independent claim 21.

Additionally, Applicant respectfully notes that while the Examiner relies upon Bowers to teach “tags which continuously transmit”, Bowers discloses that the transmission by the tag is intermittent. Specifically, *“[e]ach data transmission is followed by a fixed wait period or non-transmission interval. The non-transmission interval is preferably more than ten times greater than the data transmission period”* (e.g., see column 4, lines 3-7 of Bowers). Thus, even if Bowers would have been combined with Muhme and Yeadon, there would have been no teaching or suggestion of the claimed invention which includes the

advantages of being fast and reliable in the tracking of personnel carrying objects.

Hence, turning to the clear language of the claims, there is no teaching or suggestion of “[a] system for preventing theft of an object, comprising:

an electronic article surveillance (EAS) device operatively attached to an object;

a security path for detection of said EAS device;

a reader operatively coupled to said security path;

a smart card for being read by said reader, said smart card containing an identification profile of an authorized user of said object;

a computer attached to said reader, said computer disabling a security gate if a person entering said security path is authorized to remove said object; and

operatively coupling an alarm to said security path.

wherein upon passage through said path, said EAS device triggers the path to activate said alarm and subsequently said alarm is turned off by said computer if said person entering said security path is authorized, and

wherein said EAS device continuously outputs a signal to said security path”

(emphasis Applicant’s).

For the reasons stated above, independent claim 21 is fully patentable over Muhme, Yeadon, and Bowers.

Further, dependent claims 22-24 (and new claims 25-27) when taken in combination with their respective independent claims define additional novel limitations.

For the reasons stated above, the claimed invention is fully patentable over the cited references.

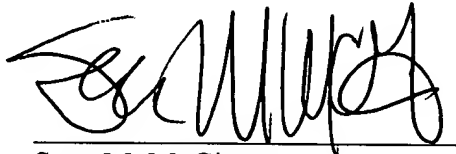
III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-2, 4-6, 8-16, and 18-27, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Sean M. McGinn', written over a horizontal line.

Sean M. McGinn, Esq.
Registration No. 34,386

Date: _____

9/17/03

McGinn & Gibb, PLLC
8321 Old Courthouse Rd. Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254